

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA

MARTIN HOWARD, Individually and on)	Civ. Action No. 2:17-cv-01057-MRH
Behalf of All Others Similarly Situated,)	(Consolidated)
)	
Plaintiff,)	<u>CLASS ACTION</u>
)	
vs.)	
)	
ARCONIC INC., et al.,)	
)	
Defendants.)	
_____)	

**DECLARATION OF ERIC A. NORDSKOG IN SUPPORT OF PLAINTIFFS' MOTION
FOR DISTRIBUTION OF THE NET SETTLEMENT FUND**

I, ERIC A. NORDSKOG, hereby declare under penalty of perjury as follows:

1. I am a Director of A.B. Data, Ltd.’s Class Action Administration Company (“A.B. Data”), whose corporate office is located in Milwaukee, Wisconsin. I am over 21 years of age and am not a party to the above-captioned action (the “Action”).¹ I have personal knowledge of the facts set forth herein and, if called as a witness, could and would testify competently thereto.

2. Pursuant to the Court’s May 2, 2023, Order Granting Preliminary Approval Pursuant to Fed. R. Civ. P. 23(e)(1) and Permitting Notice to the Settlement Class (the “Preliminary Approval Order”) (ECF No. 227), the Court approved the retention of A.B. Data as the Claims Administrator in connection with the Settlement in the above-captioned Action. Since that time, A.B. Data has, among other things: (a) caused Postcard Notices to be mailed to potential Settlement Class Members, brokers, and other nominees; (b) created and maintained a toll-free helpline, 1-866-963-9979, for inquiries during the course of the administration; (c) designed, launched, and maintained a case-specific website (www.ArconicSecuritiesSettlement.com, the “Settlement Website”), which includes the option to submit a Proof of Claim and Release Form (“Claim Form” or “Claim”) online and provides access to copies of the Stipulation, Preliminary Approval Order, the Notice of Pendency and Proposed Settlement of Class Action (the “Long-Form Notice”), and Claim Form; (d) caused the Summary Notice to be published; (e) provided, upon request, additional copies of the Postcard Notice to brokers, nominees, and potential Settlement Class Members; and (f) received and processed requests for exclusion from the Settlement Class and Claim Forms.

¹ Unless otherwise defined herein, all capitalized terms have the meanings set forth in the Stipulation of Settlement dated April 21, 2023 (the “Stipulation”). ECF 220-1.

3. A.B. Data has completed processing all 214,656 Claim Forms received through September 20, 2024, in accordance with the terms of the Stipulation and the Court-approved Plan of Allocation set forth in the Long-Form Notice, and hereby submits its administrative determinations accepting and rejecting Claims in preparation for a distribution of the Net Settlement Fund to Authorized Claimants. A.B. Data also presents this Declaration in support of Plaintiffs' Motion for Distribution of the Net Settlement Fund.

I. DISSEMINATION OF NOTICE

4. As more fully described in the Declaration of Eric A. Nordskog Regarding: (A) Mailing of the Postcard Notice; (B) Publication of the Summary Notice; and (C) Report on Requests for Exclusion and Objections dated July 5, 2023 (the "Initial Nordskog Declaration") (ECF No. 236-1), and the Supplemental Declaration of Eric A. Nordskog Regarding: (A) Mailing of the Postcard Notice; and (B) Report on Requests for Exclusion and Objections dated August 2, 2023 (the "Supplemental Nordskog Declaration") (ECF No. 245), A.B. Data has fully complied with the Court-approved notice plan. To date, A.B. Data has disseminated a total of 582,708 Postcard Notices to potential Settlement Class Members, brokers, and other nominees.

5. Postcard Notices that were returned by the U.S. Postal Service as undeliverable were reviewed for updated addresses and, where available, new addresses were entered into the database and new Postcard Notices were mailed to the updated addresses. Any correspondence received through the post office box was reviewed and, where necessary, appropriate responses were provided to the senders.

6. Additionally, pursuant to the Preliminary Approval Order, on May 30, 2023, A.B. Data caused the Summary Notice to be published in *The Wall Street Journal* and transmitted over *PR Newswire*.

II. PROCEDURES FOLLOWED IN PROCESSING CLAIMS

7. Under the terms of the Preliminary Approval Order and as set forth in the Postcard Notice, each Settlement Class Member who wished to be eligible to receive a distribution from the Net Settlement Fund was required to complete and submit to A.B. Data a properly executed Claim Form, postmarked or submitted online no later than August 21, 2023, together with adequate supporting documentation for the transactions and holdings reported therein. Through September 20, 2024, A.B. Data has received and fully processed 214,656 Claims.

8. In preparation for receiving and processing Claims, A.B. Data: (a) created a unique database to store Claim details, images of Claims, and supporting documentation; (b) trained staff in the specifics of the Settlement so that Claims would be properly processed; (c) formulated a system so that telephone and email inquiries would be properly responded to; (d) developed various computer programs and screens for entry of Settlement Class Members' identifying information, as well as their transactional information; and (e) developed a proprietary "calculation module" that would calculate Recognized Loss Amounts pursuant to the Court-approved Plan of Allocation set forth in the Notice.

9. Settlement Class Members seeking to share in the Net Settlement Fund had the option of submitting their Claims using the Settlement Website, electronically via email, or through the mail to a post office box address specifically designated for the Settlement.

A. Processing Paper Claims

10. Of the 214,656 Claims received by A.B. Data through September 20, 2024, 2,088 were "Paper Claims." Once received, Paper Claims were opened and prepared for scanning. This process included unfolding documents, removing staples, copying non-conforming sized documents, sorting documents, and, where Claimant identification information was not provided

on the Claim Form, copying and attaching the envelope with the return address to the file. Once prepared, Paper Claims were scanned into a database developed by A.B. Data to process Claims submitted for the Settlement (the “Settlement Database”) together with all submitted documentation. Subsequently, each Claim was assigned a unique claim number. Once scanned, the information from each Claim Form, including the name, address, and the Claimant’s purchase/acquisition transactions, sale transactions, and holdings listed in the Claim Form, was entered into the Settlement Database. Next, the information provided by each Claimant in support of his, her, or its Claim was reviewed to determine whether each Claimant had purchased or otherwise acquired Arconic securities during the Settlement Class Period, as required to be a Settlement Class Member.

11. In order to process the transactions detailed in the Claims, A.B. Data utilized internal codes to identify and classify Claims and any deficiency or ineligibility conditions that existed within those Claims. The appropriate codes were assigned to the Claims as they were processed. For example, where a Claim was submitted by a Claimant who did not purchase or otherwise acquire Arconic securities during the Settlement Class Period, that Claim received a “Claim level” code that denoted ineligibility. Similar “Claim level” codes were used to denote other ineligible conditions, such as duplicate Claims. These codes indicated to A.B. Data that the Claimant is not eligible to receive any payment from the Net Settlement Fund with respect to that Claim unless the deficiency is cured.

12. Because a Claim may be deficient only in part, but otherwise acceptable, A.B. Data also utilized codes that only applied to specific transactions within a Claim. For example, if a Claimant submitted a Claim with supporting documentation for all but one purchase transaction, that one transaction received a “transaction level” code. That code indicated that one transaction

was deficient, but that the Claim was otherwise eligible for payment if other transactions in the Claim calculated to a Recognized Loss pursuant to the Court-approved Plan of Allocation. Thus, even if the transaction level deficiency was never cured, the Claim could still be paid in part.

B. Processing of Web Claims

13. Of the 214,656 Claims received by A.B. Data through September 20, 2024, 3,461 were submitted by Claimants via the Claim Portal on the Settlement Website (“Web Claims”). Once received, Web Claims were imported into the Settlement Database. This process included assigning a unique Claim number to each Web Claim and mapping the submission form to the database so that entries could be evaluated and calculated according to the Plan of Allocation. Next, and identical to the process utilized for Paper Claims, the information provided by each Claimant in support of his, her, or its Web Claim was reviewed to determine whether the Claimant purchased or otherwise acquired Arconic securities during the Settlement Class Period, as required to be a Settlement Class Member. A.B. Data utilized the same internal Claim codes to identify and classify Web Claims, so the appropriate codes were assigned to the Web Claims as they were processed.

C. Processing Claims Submitted Electronically

14. Of the 214,656 Claims received by A.B. Data through September 20, 2024, 209,107 were filed electronically (“Electronic Claims”). Electronic Claims are typically submitted by institutional investors who may have hundreds or thousands of transactions during the relevant period. Rather than provide reams of paper requiring data entry, the institutional investors filing Electronic Claims either mail a computer disc or email a file to A.B. Data, so that A.B. Data may electronically upload all transactions to the Settlement Database.

15. A.B. Data maintains an electronic filing operations team (the “Electronic Filing Team”) to coordinate and supervise the receipt and handling of all Electronic Claims. In this case, as in all other claims administrations, the Electronic Filing Team reviewed and analyzed each electronic file to ensure that it was formatted in accordance with A.B. Data’s required format, and to identify any potential data issues or inconsistencies within the file. If any issues or inconsistencies arose, A.B. Data immediately notified the filer. If the electronic file was deemed to be in an acceptable format, it was then forwarded to A.B. Data’s data team with detailed loading instructions including the number of Claims and transaction totals that the institution provided when it sent the electronic file.

16. Once the electronic file was loaded, A.B. Data’s Quality Assurance personnel reviewed the electronic file to confirm that the number of Claims and transactions matched the information provided by the filer.

17. Once the Claims and transaction totals were confirmed, the Electronic Claims were coded just like Paper Claims with messages to identify and classify Electronic Claims and any deficiency or ineligibility conditions that existed within them. The codes applied to the Electronic Claims are the same as those applied to Paper Claims; however, the process in applying the codes to the Electronic Claims differs from the process used for Paper Claims. Rather than manually applying codes, the Electronic Filing Team performed programmatic reviews on Electronic Claims to identify deficient and ineligible conditions (such as, but not limited to, price per share validation issues and out of balance conditions). The appropriate codes were then assigned programmatically once the output of the reviews was thoroughly analyzed and confirmed as accurate.

18. The review process also included flagging any Electronic Claims that were not accompanied by the following: (a) a signed Claim Form, which serves as a “Master Proof of Claim

Form” for all accounts referenced on the electronic file submitted; (b) an electronic filing summary sheet; (c) supporting documentation, such as a signed or notarized letter on company letterhead attesting to the truth and accuracy of the data on the electronic file, trade confirmations, and/or brokerage account statements; (d) a notarized affidavit, corporate resolution, or corporate bylaws verifying that the individual who executed the Claim Form and submitted the electronic file is an authorized signatory of his/her company with the authority to file such information; and (e) documentation to demonstrate the authority to file on behalf of the Claimant. This portion of the review process was also reviewed by A.B. Data’s Quality Assurance personnel, who worked in conjunction with the Electronic Filing Team to contact the institutional filers whose electronic files were missing information. This process ensures that only fully completed Claims, submitted by properly authorized representatives of the Claimants, are considered eligible for payment from the Net Settlement Fund.

19. At the end of the process, A.B. Data performed various audits of Electronic Claims. Specifically, A.B. Data contacted a number of electronic filers who, in lieu of providing specific trade confirmations, provided certain other forms of supporting documentation as set forth in ¶18 above, and requested that various sample transactions selected by A.B. Data be documented by providing confirmation slips or other transaction-specific supporting documentation. This random sampling and request for follow-up verification help to ensure that electronic data supplied by Claimants did not contain inaccurate information. A.B. Data performed this final check on a variety of electronic files randomly selected, as well as on the electronic files with the largest Recognized Losses.

III. EXCLUDED PERSONS

20. A.B. Data also reviewed all Claims to ensure that they were not submitted by, or on behalf of, persons or entities excluded from the Settlement Class by definition, to the extent that the identities of such persons or entities were known to A.B. Data through the list of Defendants and other excluded persons and entities set forth in the Stipulation and the Long-Form Notice.

IV. THE DEFICIENCY PROCESS

A. Paper and Web Claims

21. A significant number of Paper and Web Claims submitted were incomplete or had one or more defects or conditions of ineligibility, such as the Claim not being signed, not being properly documented, or not indicating a transaction in Arconic securities during the Settlement Class Period.

22. The majority of A.B. Data's efforts in handling a claims administration involve Claimant communications, so that all Claimants have sufficient opportunity to cure any deficiencies and file a complete Claim. The "Deficiency Process," which primarily involved mailing or emailing letters to Claimants and, in response, making and receiving calls and sending and receiving emails to and from Claimants, was intended to assist Claimants in properly completing their otherwise deficient submissions so that they would be eligible to receive a distribution from the Net Settlement Fund.

23. If a Claim was determined to be defective or ineligible, a *Notice of Rejection of Claim* or a *Notice of Partial Rejection of Claim* ("Deficiency Notices") was sent to the Claimant describing the defect(s) or condition(s) of ineligibility in their Claim and what was necessary to cure any "curable" defect(s) in the Claim. The Deficiency Notices advised the Claimants that the

submission of the appropriate information and/or documentary evidence to complete the Claim had to be sent within twenty (20) days from the date of the letter, or the Claim would be recommended for rejection to the extent the deficiency or condition of ineligibility was not cured. The Deficiency Notices also advised Claimants that if they desired to contest the administrative determination, they were required to submit a written statement to A.B. Data requesting Court review of the determination and setting forth the basis for the request. To date, A.B. Data has mailed Deficiency Notices to Claimants in connection with 4,865 Claims. Attached hereto as Exhibit A, is an example of the Deficiency Notice.

24. Claimants' responses to the Deficiency Notices were scanned into A.B. Data's database and associated with the corresponding Claim. The responses were then carefully reviewed and evaluated by A.B. Data's team of processors. If a Claimant's response corrected the defect(s), A.B. Data updated the database manually to reflect the change in status of the Claim.

B. Electronic Claims

25. In addition, for Electronic Claims, A.B. Data used the following process to contact the banks, brokers, nominees, and other filers who submitted their data electronically to confirm receipt of their submissions and to notify the filers of any deficiencies or Claims that were ineligible. These filers were each sent an email to the email address included with their Claim Form ("Status Email") with an attached Excel spreadsheet containing detailed information associated with the accounts and indicating which of those accounts within the filing were deficient and/or rejected ("Status Spreadsheet").

26. Each Status Email sent to the email address of record provided with the Claim contained the following information:

- a. Notification to the filer that any Claims with deficiencies not corrected

within twenty (20) days from the date of the email may be rejected;

- b. Notification to the filer of his, her, or its right to contest the rejection of the Claim(s) and request this Court's review of A.B. Data's administrative determination within twenty (20) days from the date of the Status Email; and
- c. Instructions for how to submit corrections.

27. The Status Spreadsheet attached to the Status Email contained the following information:

- a. A listing of all accounts associated with the filing with unique identification numbers;
- b. Identification of the individual accounts that were found to be deficient or ineligible;
- c. The current status of the account in A.B. Data's database; and
- d. The current Recognized Loss calculation associated with the account

28. A.B. Data emailed a Status Email and Status Spreadsheet to 372 Electronic Claim filers. Samples of the Status Email and the Status Spreadsheet are attached hereto as Exhibits B and C, respectively.

29. The Electronic Claim filers' responses were reviewed by A.B. Data's Electronic Claims Filing Team, were scanned and/or loaded into A.B. Data's database and were associated with the corresponding Electronic Claims. If a response corrected the defect(s) or affected an Electronic Claim's status, A.B. Data manually and/or programmatically updated the database to reflect the changes in status of the Electronic Claim.

V. DISPUTED CLAIMS

30. As noted above, Claimants were advised that they had the right to contest A.B. Data's administrative determination of deficiencies or ineligibility within twenty (20) days from the date of notification and that they could request that the dispute be submitted to the Court for review. More specifically, such persons were advised in the Deficiency Notice and in the Status Emails that to dispute A.B. Data's determinations, they needed to provide a statement of reasons indicating their grounds for contesting the rejection, along with supporting documentation. In response, A.B. Data received sixteen (16) requests for Court review. To resolve these disputes without necessitating the Court's intervention, A.B. Data reached out to each of these Claimants and attempted to answer all questions, fully explain A.B. Data's administrative determination of the Claim's status and facilitate the submission of missing information or documentation where applicable. As a result, all sixteen requests for Court Review were withdrawn by the Claimant or the deficiency associated with the Claim resolved.

VI. LATE BUT OTHERWISE ELIGIBLE CLAIMS

31. Through September 20, 2024, A.B. Data received 512 Claims that were submitted after the August 21, 2023, claims deadline established by the Court. A.B. Data processed all late Claims received through September 20, 2024, and 131 have been found to be otherwise eligible in whole or in part (the "Late But Otherwise Eligible Claims"). A.B. Data has not rejected any Claims received through September 20, 2024, solely based on their late submission, and believes no delay has resulted from the provisional acceptance of these Late But Otherwise Eligible Claims. To the extent they are eligible but for the fact that they were late, A.B. Data recommends that they be eligible for payment.

32. However, there must be a final cut-off date after which no more Claims will be accepted so that there may be a proportional distribution of the Net Settlement Fund and the distribution may be accomplished. Acceptance of additional Claims or responses to Deficiency Notices received during the finalization of the administration and the preparation of this application would necessarily require a delay in the distribution. Accordingly, A.B. Data requests that no Claims or responses to Deficiency Notices received after September 20, 2024, shall be eligible for payment in the initial distribution.

VII. QUALITY ASSURANCE

33. An integral part of all of A.B. Data's settlement administration projects is its Quality Assurance review. A.B. Data's Quality Assurance personnel worked throughout the entire administration to verify that Claims were processed properly; that deficiency and ineligibility codes were properly applied to Claims; that Deficiency Notices were mailed to the appropriate Claimants; and that A.B. Data's computer programs were operating properly.

34. Once all of the Claims were processed, Deficiency Notices were mailed, and responses to those notices were reviewed and processed, A.B. Data's Quality Assurance team performed a final project wrap up to ensure the correctness and completeness of all Claims before A.B. Data prepared its final reports to Lead Counsel. Here, in connection with this Quality Assurance wrap up, A.B. Data: (a) confirmed that valid Claims have no messages denoting ineligibility; (b) confirmed that Claims that are ineligible have messages denoting ineligibility; (c) confirmed that Claims that did not purchase or otherwise acquire Arconic securities during the Settlement Class Period, contain appropriate ineligibility messages; (d) confirmed that Claim detail (transaction) messages appear only on Claim detail records; (e) confirmed that all Claims requiring Deficiency Notices were sent such notices; (f) performed a sample review of deficient

Claims; (g) reviewed Claims with large dollar losses; (h) sampled Claims that had been determined to be ineligible, including those with no calculated Recognized Loss under the Plan of Allocation, in order to verify that all transactions had been captured correctly; and (i) tested the accuracy of the calculation program.

35. In support of the work described above, A.B. Data's computer staff designed and implemented, and the Quality Assurance team tested, the following programs for this administration: (a) data entry screens that store Claim information (including all transactional data included in each Claim) and attach codes and, where necessary, text to denote conditions existing within the Claim; (b) programs to load and analyze transactional data submitted electronically for all Electronic Claims; (c) a program to compare the claimed transaction prices against the reported market prices to confirm that the claimed transactions were within an acceptable range of the reported market prices; (d) a calculation program to analyze the transactional data for all Claims and calculate each Claimant's Recognized Loss based on the Plan of Allocation; and (e) programs to generate various reports throughout and at the conclusion of the administration, including lists of all eligible and ineligible Claims.

36. A.B. Data also used a variety of fraud protection controls throughout the administration to identify potential fraudulent Claims. Searches for duplicate Claims (by beneficial owner name, Tax Identification Number, account number, and Recognized Loss amounts), high value reviews, spot reviews, and other standard audit reports that examined the information in a variety of ways, were used during A.B. Data's Quality Assurance review.

37. As part of its due diligence in processing Claims, A.B. Data conducted a search of all Claims filed in the Settlement using the database it maintains of known questionable claim filers. This database contains names, addresses, and aliases of individuals or entities that have

been investigated by government agencies for questionable claim filings, as well as the names and contact information compiled from previous settlements that A.B. Data has administered where fraudulent claims were received. A.B. Data updates the database on a regular basis. The database for the Settlement was searched for all individuals identified as questionable claim filers. A.B. Data performed searches based on name, aliases, address, and city/ZIP code. In addition, all of A.B. Data's claim processors are trained to identify any potentially inauthentic documentation when processing claims, including claims submitted by claimants not previously captured in our database as previously identified questionable claim filers. Processors are instructed to flag Claims as "Questionable Claims" and route them to management for review. To date, A.B. Data has not identified any claims submitted by a questionable claim filer.

38. In accordance with the Office of Foreign Asset Control, known as OFAC, A.B. Data will perform searches on every check that it will issue to identify any potential payees whose names appear on the federal government's restricted persons list or who reside in countries to which payments are prohibited. A.B. Data regularly monitors changes to OFAC regulations and guidelines.

VIII. DISPOSITION OF CLAIMS

39. A.B. Data has completed the processing of the 214,656 Claims that were received through September 20, 2024, and has determined that (a) 31,813 are acceptable in whole or in part, and that (b) 182,843 should be wholly rejected because they are ineligible for recovery from the Net Settlement Fund. The 182,843 wholly rejected Claims are ineligible for the following reasons:

- a. 30,349 Claims had no purchase(s)/acquisition(s) of Arconic securities during the Settlement Class Period;
- b. 77,597 Claims did not result in a Recognized Loss under the Court-

approved Plan of Allocation;

- c. 74,791 Claims were duplicates or replaced;
- d. 73 Claims were withdrawn;
- e. 27 Claims were filed by an excluded party; and
- f. 6 Claims did not comply with documentation audit.

40. A list of the Claims submitted, and their ultimate disposition, are attached hereto as Exhibits D through F. Exhibit D, entitled “Timely Eligible Claims,” lists all timely filed, provisionally accepted Claims and states each Claim’s Recognized Loss. Exhibit E, entitled “Late But Otherwise Eligible Claims,” lists all late filed (*i.e.*, Claims with a postmark date or which were received after August 21, 2023, but on or before September 20, 2024), provisionally accepted Claims and states each Claim’s Recognized Loss. Exhibit F, entitled “Rejected Claims,” lists all wholly rejected Claims and states the reason for each Claim’s rejection. For privacy reasons, Exhibits D through F provide only the Claimant’s unique Claim number assigned by A.B. Data, along with that Claim’s Recognized Loss or reason for rejection (no names, addresses, or Social Security or other Taxpayer Identification Numbers are disclosed).

41. The total Recognized Losses for all provisionally accepted Claims (as set forth in Exhibits D and E hereto) calculated in accordance with the Court-approved Plan of Allocation is \$383,493,435.08 (the total Recognized Losses for the 31,682 Timely Eligible Claims is \$373,699,025.76 and the total Recognized Losses for the 131 Late But Otherwise Eligible Claims is \$9,794,409.32). According to the Plan of Allocation, each Authorized Claimant shall be allocated a *pro rata* share of the Net Settlement Fund based on the percentage that his, her, or its Recognized Loss bears to the total of the Recognized Losses of all Authorized Claimants; however, as set forth in the Court-approved Plan of Allocation, if an Authorized Claimant’s prorated

payment calculates to less than \$10.00, it will not be included in the calculation and no distribution will be made to such Authorized Claimant.

IX. A.B. DATA'S REQUESTED FEES AND DISBURSEMENTS

42. A.B. Data agreed to be the Claims Administrator in exchange for payment of its fees and out-of-pocket expenses. Lead Counsel received reports on all of the work A.B. Data performed with respect to the administration of the Settlement and authorized the claims administration work performed herein. Attached hereto as Exhibit G are copies of A.B. Data's invoices for its work performed on behalf of the Class, as well as an estimate for the work that will be performed and the costs that will be incurred in connection with the Initial Distribution (defined below) to Authorized Claimants. As set forth on these invoices, the cost of administration, up to the Initial Distribution, is \$826,444.06 in fees and expenses. The estimated cost of conducting the Initial Distribution is \$62,327.60. To date, A.B. Data has received payment of fees and expenses in the amount of \$787,878.54. Therefore, the total amount of A.B. Data's requested fees and expenses from the Settlement Fund is \$100,893.12.²

X. DISTRIBUTION PLAN FOR THE NET SETTLEMENT FUND

43. Should the Court concur with A.B. Data's determinations concerning the provisionally accepted and rejected Claims, including the Late but Otherwise Eligible Claims, A.B. Data respectfully recommends the following distribution plan (the "Distribution Plan"):

- a. A.B. Data will conduct an initial distribution (the "Initial Distribution") of the available balance of the Net Settlement Fund, after deducting all payments previously approved by the Court and requested herein, and after

² If the estimate of fees and expenses to conduct the Initial Distribution is greater than the actual cost to conduct the distribution, the excess will be returned to the Net Settlement Fund.

deducting payment of any estimated taxes, the costs of preparing tax returns, and any escrow fees, as follows:

- i. Pursuant to the Court-approved Plan of Allocation, A.B. Data will calculate each Authorized Claimant's *pro rata* share of the Net Settlement Fund based on the amount of the Authorized Claimant's Recognized Loss in comparison to the total Recognized Losses of all Authorized Claimants.
- ii. A.B. Data will, pursuant to the Court-approved Plan of Allocation, eliminate from the distribution any Authorized Claimant whose *pro rata* share of the Net Settlement Fund as calculated under subparagraph (a)(i) above is less than \$10.00. Such Claimants will not receive any payment from the Net Settlement Fund.
- iii. After eliminating Claimants who would have received less than \$10.00, A.B. Data will recalculate the *pro rata* share of the Net Settlement Fund for Authorized Claimants who would have received \$10.00 or more pursuant to the calculation described in subparagraph (a)(i) above. This *pro rata* share is the Authorized Claimant's "Distribution Amount."
- iv. To encourage Authorized Claimants to cash their distribution checks promptly, and to avoid or reduce future expenses relating to unpaid distribution checks, all Initial Distribution checks will bear the notation: "DEPOSIT PROMPTLY, VOID AND SUBJECT TO RE-DISTRIBUTION IF NOT NEGOTIATED WITHIN 120 DAYS OF

DISTRIBUTION.”³

- v. Authorized Claimants who do not cash their Initial Distribution checks within the time allotted, or pursuant to further action as set forth in footnote 3, will irrevocably forfeit all recovery from the Settlement.

- b. Consistent with the Court-approved Plan of Allocation, if any funds remain in the Net Settlement Fund after the distribution because of uncashed checks or otherwise, then, after A.B. Data has made reasonable and diligent efforts to have Authorized Claimants cash their distribution checks (which efforts shall consist of the extensive follow up efforts described in footnote 3), any balance remaining in the Net Settlement Fund within a reasonable amount of time after the distribution shall, if Lead Counsel, in consultation with A.B. Data, determines it to be cost effective to do so, be redistributed, after payment of any unpaid fees and expenses incurred in administering the Settlement, including for such redistribution and after deducting payment

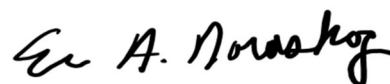
³ In an effort to have as many Authorized Claimants as possible cash their checks, A.B. Data will perform follow up with those Authorized Claimants whose checks are initially uncashed, either because they are returned to A.B. Data as undeliverable or because the Authorized Claimant simply did not cash the check after a period of time elapses (the “Outreach Program”). For Authorized Claimants whose checks are returned as undeliverable, A.B. Data will endeavor to locate new addresses by running the undeliverable addresses through the U.S.P.S. National Change of Address database and, where appropriate, via Internet search techniques and by calling the Authorized Claimants. Where a new address is located, A.B. Data will update the database accordingly and re-issue a distribution check to the Authorized Claimant at the new address. For any Authorized Claimants whose checks are not returned but who simply do not cash their checks, A.B. Data will use a mix of automated calls, personalized telephone calls, and emails to urge such Authorized Claimants to cash their distribution checks. In the event an Authorized Claimant loses or damages his, her, or its check, or otherwise requires a new check, A.B. Data will issue replacement checks. Distribution reissues will be undertaken only upon written instructions from the Authorized Claimant, provided that the Authorized Claimant returns the previous check where appropriate. For all checks, A.B. Data will void the initial payment prior to reissuing a payment.

of any estimated taxes, the costs of preparing appropriate tax returns and any escrow fees, to Authorized Claimants who have cashed their distribution checks and who would receive at least \$10.00 from such redistribution, with additional distributions thereafter in six-month intervals, subject to the conditions previously noted, until Lead Counsel, in consultation with A.B. Data, determine that further redistribution is not cost effective.

- c. At such time as Lead Counsel, in consultation with A.B. Data, determines that the redistribution of funds remaining in the Net Settlement Fund is not cost effective, the remaining balance shall be contributed to a non-sectarian, not-for-profit organization unaffiliated with any party or their counsel and serving the public interest, identified by Lead Counsel and approved by the Court.
- d. No new Claims may be accepted after September 20, 2024, and no further adjustments to Claims received on or before September 20, 2024, that would result in an increased Recognized Loss may be made for any reason after September 20, 2024.
- e. Unless otherwise ordered by the Court, A.B. Data will dispose of the paper copies of Claims and all supporting documentation one (1) year from the final distribution date of the Net Settlement Fund and will dispose of electronic copies of the same three (3) years after the final distribution date of the Net Settlement Fund.

I declare, under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct to the best of my knowledge.

Executed on November 20, 2024.

A handwritten signature in black ink, reading "Eric A. Nordskog". The signature is written in a cursive style with a horizontal line underneath it.

Eric A. Nordskog